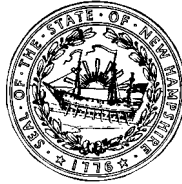


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STATE OF NEW HAMPSHIRE
DEPARTMENT OF EDUCATION
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FAX 603-271-1953
Citizens Services Line 1-800-339-9900

TO: Career & Technical Education Directors/Principals

FROM: Lisa Danley, State Director
Career and Technical Education

RE: Guidelines for Approval of Building Trades Activities

DATE: September 5, 2013

The following are guidelines and information relative to annual approval of your building trades program's practical work activities:

1. Below is a list of building trades programs that are subject to these guidelines:

CIP 460201 – Carpentry/Carpenter
CIP 460302 – Electrician
CIP 460401 – Building/Property Maintenance and Management
CIP 460599 – Plumbing and Related Water Supply Services, Other
CIP 470201 - Heating, Air Conditioning, Ventilation & Refrigeration
Maintenance Technology/Technician
CIP 480703 – Cabinetmaking and Millwork/Millwright

2. **Every** approved building trades program that performs **any** practical work activities **off** the high school site must submit a Form BC-1 and BC-2 for approval of the activity by both the NH Department of Education and the NH Department of Labor. The BC-1 Form must be signed by the superintendent of schools for the district.

Prior to the commencement of the work activity, BC-1 and BC-2 forms must be submitted for each off-site activity and approved by both agencies. Submit forms to:

Melissa Ritchings
Bureau of Career Development
21 S. Fruit St., Ste. 20
Concord, NH 03301

3. **Every** approved building trades program wherein **all** practical work activities are performed entirely **on** the high school site must submit an annual letter to the Bureau indicating that no work activities will be performed off the school site for that school year.

The letter's salutation should be addressed to:

Lisa Danley, State Director of Career and Technical Education.

The letter should be mailed to:

Melissa Ritchings
Bureau of Career Development
21 S. Fruit St., Ste. 20
Concord, NH 03301

4. All building trades students must be 16 years of age to participate in off-site construction activities. This is a waiver of the 18 year old requirement, which can only be granted by the Department of Labor.
5. The primary concern of the Department of Labor is related to insurance coverage for students and supervisors through Worker's Compensation when an employee-employer relationship exists in the off-site practical work activity. If such a relationship exists, then Worker's Compensation coverage must be provided by the school or by the recipient/benefactor of the work activity. The Worker's Compensation Law bars an employee who is injured on the job from suing his employer when the employer is subject to the law.
6. A school/district may establish a non-profit Building Trust which would govern the particular building trades program(s) activities and would receive and disburse all revenues related to each activity. The trust would not be required to carry Worker's Compensation coverage.
7. Under RSA 198:4-c, any school district may appropriate money to establish a revolving fund to aid instruction in the building construction trades. The fund shall be used to pay the necessary costs of construction projects which are carried out as part of the instructional program, including the purchase of real estate. No project shall be undertaken unless the fund contains enough money to cover the proposed budget. When the building is completed, it shall be sold and the money received put into the fund for use in another construction project. This type of activity would not require coverage under the Worker's Compensation Law.

8. A building trades program/school may enter into a written agreement with an individual/group to build or provide student supervised labor activities off the school site, and the individual/group would pay all related expenses (i.e., transportation; tool wear, tear, and replacement; building materials, etc.) for the project. This type of activity would not require Worker's Compensation coverage.
9. In those situations where building trades students and staff are not covered by Worker's Compensation, the NH Department of Education highly recommends that they be covered by some other type of health/accident insurance.
10. Any school building trades project done by students who work on the project outside the regular or normal school day requires that students receive at least the minimum wage for such time spent and be covered under the Worker's Compensation Law.
11. If a building trades Trust's off-site practical activity does not handle all finances pertaining to the project but instead receives a monetary donation in excess of normal and usual project costs, then an employee-employer relationship would exist which would require Worker's Compensation coverage. "Normal and usual project costs" means those costs associated with student transportation and building trades tool wear, tear, and replacement.
12. An employee-employer relationship would also exist under the arrangement in #8 above, where monies received by the building trades/school program were in excess of the normal and usual costs associated with student transportation and tool wear, tear, and replacement.
13. Any funds received from these off-site work activities, in excess of actual project costs, can only be used in support of the building trades program's activities which generated the revenue.

Attached are the BC-1 and BC-2 Forms for School Year 2013-2014.

Should you have any questions concerning these matters, please contact Lisa Danley at 603-271-3867. If you wish to contact the Department of Labor, please direct your inquiries concerning these matters to Michele Small at 603-271-3119.

Enclosures
LD/mwr